

PATENTAttorney Docket No. **FORS-04623**

114. (new) The method of Claim 112, further comprising step (c) detecting the presence of said first fragment, said second fragment, or said first and second fragments, the presence thereof indicating the presence of said polynucleotide.

115. (new) The method of Claim 112, wherein said polynucleotide is from a source selected from the group consisting of viruses, bacteria, fungi, mycoplasma, and protozoan.


116. (new) The method of Claim 112, wherein said oligonucleotide hybridization sites are contiguous.

117. (new) The method of Claim 112, wherein at least one of said first fragment and said second fragment has a label.

REMARKS

Applicants have cancelled Claims 108-111 and added Claims 112-117, as suggested by the Examiner. The priority claims has also been amended as suggested by the Examiner. Applicants submit that the case is in condition for an Interference to be declared between the present application and U.S. Patents 6,110,677 and 6,121,001. If an interview would aid in the prosecution of this Application, the Examiner may call the undersigned at 608-218-6900.

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PATENT
Attorney Docket No. **FORS-04623**

APPENDIX I
VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE SPECIFICATION:

The priority claim, on page 1, between lines 1 and 2, has been amended as follows:

This is a Continuation of [co-pending application U.S. Patent Appln. Ser. No. 08/520,946, filed January 15, 1998, which is a Continuing Patent Application of] U.S. Patent Appln. Ser. No. 08/520,946, filed August 30, 1995, now U.S. Patent Number 6,372,424, issued April 16, 2002, which is a Continuation-in-Part application of U.S. Patent Appln. Ser. No. 08/484,956, filed June 7, 1995, now U.S. Patent No. 5,843,654, issued December 1, 1998, which is a Continuation-in-Part application of U.S. Patent Appln. Ser. No. 08/402,601, filed March 9, 1995, now abandoned [and the Continuation U.S. Patent Appln. Ser. No. 08/802,233, filed February 19, 1997, now U.S. Patent No. 5,888,780, issued March 30, 1997], which is a Continuation-In-Part Application of Application Serial No. 08/337,164, filed November 9, 1994, now abandoned [and the Continuation U.S. Patent Appln. Ser. No. 08/789,079, filed February 6, 1997, now U.S. Patent No. 5,719,028, issued February 17, 1998], which is a Continuation-In-Part Application of Application Serial No. 08/254,359, filed June 6, 1994, now U.S. Patent No. 5,614,402, issued March 25, 1997, which is a Continuation-In-Part Application of Application Serial No. 08/073,384, filed June 4, 1993, now U.S. Patent No. 5,541,311, issued June 30, 1996, which is a Continuation-In-Part Application of Application Serial No. 07/986,330, filed December 7, 1992, now U.S. Patent 5,422,253, issued June 6, 1995. [abandoned. The present application also claims priority to U.S. Patent Appln. Ser. No. 08/471,066, filed June 6, 1995, now U.S. Patent No. 5,837,450, issued November 17, 1998, which is a Divisional application of U.S. Patent Appln. Ser. No. 08/254,359, listed above, U.S. Patent Appln. Ser. No. 08/481,238, filed June 6, 1995, now U.S. Patent No. 5,795,763, issued August 18, 1998, which is a Divisional application of U.S. Patent Appln. Ser. No. 07/986,330, listed above, and U.S. Patent Appln. Ser. No. 08/483,043, filed June 6, 1995, now U.S. Patent No. 5,691,142, issued November 25, 1997, which is a Divisional application of U.S. Patent Appln. Ser. No. 07/986,330, listed above.]

PATENT
Attorney Docket No. **FORS-04623**

APPENDIX II
COMPLETE SET OF PENDING CLAIMS

112. A method of modifying or detecting a polynucleotide, said method comprising:

(a) providing in combination:

i) a first oligonucleotide or a molar excess of said first oligonucleotide relative to the concentration of said polynucleotide, with said first oligonucleotide having a 3' portion capable of reversibly hybridizing to said polynucleotide and a 5' portion which does not hybridize to said polynucleotide, and

ii) a 5'-nuclease, and

(b) reversibly hybridizing under isothermal conditions said polynucleotide and said first oligonucleotide, wherein said first oligonucleotide, when hybridized to said polynucleotide, is cleaved by said 5'-nuclease as a result of the presence of said polynucleotide to provide: (i) a first fragment that is substantially non-hybridizable to said polynucleotide, or a first fragment including said 5' portion and no more than one nucleotide from the 5' end of said 3' portion, and (ii) a second fragment that is 3' of said first fragment with reference to said first oligonucleotide and is substantially hybridizable to said polynucleotide.

113. The method of Claim 112, further providing a second oligonucleotide that hybridizes to a site on said polynucleotide that is 3' of the site at which said first oligonucleotide hybridizes.

114. The method of Claim 112, further comprising step (c) detecting the presence of said first fragment, said second fragment, or said first and second fragments, the presence thereof indicating the presence of said polynucleotide.

115. The method of Claim 112, wherein said polynucleotide is from a source selected from the group consisting of viruses, bacteria, fungi, mycoplasma, and protozoan.

PATENT

Attorney Docket No. **FORS-04623**

116. The method of Claim 112, wherein said oligonucleotide hybridization sites are contiguous.

117. The method of Claim 112, wherein at least one of said first fragment and said second fragment has a label.